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September 16, 2011

The Honorable Edmund G. Brown, Jr.
Governor of California
State Capitol Building
Sacramento, CA 95814

RE: **SB 469 (Vargas) – REQUEST FOR VETO**

Dear Governor Brown:

The County of San Bernardino respectfully requests that you veto SB 469, legislation that would require a city or county to require an economic impact report be prepared, prior to approving or disapproving a proposed development project that would permit the construction of a superstore retailer, as defined.

SB 469 requires a city or county to request the preparation of, at applicant expense, a costly report examining 17 different detailed conditions. A “superstore” is narrowly defined as over 90,000 sq. ft., selling a wide range of consumer goods, and where 10 percent of the total floor area is devoted to selling non-taxable food items. Exempt from this measure is “discount warehouses” (with no sq. ft. limitations) that sell over half of their items in bulk and require a membership fee.

While a number of the issues identified for analysis may be valid (number of jobs created, impact on general plan, travel patterns, etc.) the bill has a discriminatory effect by not subjecting other large retail establishments to the same rigorous review. By singling out a specific type of large retailer to endure such a rigorous analysis, while excluding others with similar regional and local impacts, SB 469 would have a discriminatory effect and fundamentally undermine local land use discretion and authority.

SB 469 targets a certain sector of grocery providers and usurps the prerogatives of localities regarding planning, zoning, and business permitting processes. The bill would make development more difficult to finance and reduce investment in California.

For these reasons, the County of San Bernardino respectfully request that you veto SB 469. If you have any questions, please contact Josh Candelaria, Deputy Director of Legislative Affairs, at (909) 387-4280.

Sincerely,

JOSIE GONZALES, CHAIR
Board of Supervisors